

IMPORTATION OF FOREIGN AGRICULTURAL WORKERS

JUNE 30, 1951.—Ordered to be printed

Mr. COOLEY, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 984]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 984) to amend the Agricultural Act of 1949, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: *That the Agricultural Act of 1949 is amended by adding at the end thereof a new title to read as follows:*

"TITLE V—AGRICULTURAL WORKERS

"SEC. 501. *For the purpose of assisting in such production of agricultural commodities and products as the Secretary of Agriculture deems necessary, by supplying agricultural workers from the Republic of Mexico (pursuant to arrangements between the United States and the Republic of Mexico), the Secretary of Labor is authorized—*

"(1) *to recruit such workers (including any such workers who have resided in the United States for the preceding five years, or who are temporarily in the United States under legal entry);*

"(2) *to establish and operate reception centers at or near the places of actual entry of such workers into the continental United States for the purpose of receiving and housing such workers while arrangements are being made for their employment in, or departure from, the continental United States;*

"(3) *to provide transportation for such workers from recruitment centers outside the continental United States to such reception centers and transportation from such reception centers to such recruitment centers after termination of employment;*

"(4) to provide such workers with such subsistence, emergency medical care, and burial expenses (not exceeding \$150 burial expenses in any one case) as may be or become necessary during transportation authorized by paragraph (3) and while such workers are at reception centers;

"(5) to assist such workers and employers in negotiating contracts for agricultural employment (such workers being free to accept or decline agricultural employment with any eligible employer and to choose the type of agricultural employment they desire, and eligible employers being free to offer agricultural employment to any workers of their choice not under contract to other employers);

"(6) to guarantee the performance by employers of provisions of such contracts relating to the payment of wages or the furnishing of transportation.

"SEC. 502. No workers shall be made available under this title to any employer unless such employer enters into an agreement with the United States—

"(1) to indemnify the United States against loss by reason of its guaranty of such employer's contracts;

"(2) to reimburse the United States for essential expenses, not including salaries or expenses of regular department or agency personnel, incurred by it for the transportation and subsistence of workers under this title in amounts not to exceed \$15 per worker; and

"(3) to pay to the United States, in any case in which a worker is not returned to the reception center in accordance with the contract entered into under section 501 (5), an amount determined by the Secretary of Labor to be equivalent to the normal cost to the employer of returning other workers from the place of employment to such reception center, less any portion thereof required to be paid by other employers.

"SEC. 503. No workers recruited under this title shall be available for employment in any area unless the Secretary of Labor has determined and certified that (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed, (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

"SEC. 504. Workers recruited under this title who are not citizens of the United States shall be admitted to the United States subject to the immigration laws (or if already in, for not less than the preceding five years or by virtue of legal entry, and otherwise eligible for admission to, the United States may, pursuant to arrangements between the United States and the Republic of Mexico, be permitted to remain therein) for such time and under such conditions as may be specified by the Attorney General but, notwithstanding any other provision of law or regulation, no penalty bond shall be required which imposes liability upon any person for the failure of any such worker to depart from the United States upon termination of employment: Provided, That no workers shall be made available under this title to, nor shall any workers made available under this title be permitted to remain in the employ of, any employer who has in his employ any Mexican alien when such employer knows or has

reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained that such Mexican alien is not lawfully within the United States.

"SEC. 505. (a) Section 210 (a) (1) of the Social Security Act, as amended, is amended by adding at the end thereof a new subparagraph as follows:

"(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended."

"(b) Section 1426 (b) (1) of the Internal Revenue Code, as amended, is amended by adding at the end thereof a new subparagraph as follows:

"(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended."

"(c) Workers recruited under the provisions of this title shall not be subject to the head tax levied under section 2 of the Immigration Act of 1917 (8 U. S. C., sec. 132).

"SEC. 506. For the purposes of this title, the Secretary of Labor is authorized—

"(1) to enter into agreements with Federal and State agencies; to utilize (pursuant to such agreements) the facilities and services of such agencies; and to allocate or transfer funds or otherwise to pay or reimburse such agencies for expenses in connection therewith;

"(2) to accept and utilize voluntary and uncompensated services; and

"(3) when necessary to supplement the domestic agricultural labor force, to cooperate with the Secretary of State in negotiating and carrying out agreements or arrangements relating to the employment in the United States, subject to the immigration laws, of agricultural workers from the Republic of Mexico.

"SEC. 507. For the purposes of this title—

"(1) The term 'agricultural employment' includes services or activities included within the provisions of section 3 (f) of the Fair Labor Standards Act of 1938, as amended, or section 1426 (h) of the Internal Revenue Code, as amended, horticultural employment, cotton ginning, compressing and storing, crushing of oil seeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonable agricultural products.

"(2) The term 'employer' shall include an association, or other group, of employers, but only if (A) those of its members for whom workers are being obtained are bound, in the event of its default, to carry out the obligations undertaken by it pursuant to section 502, or (B) the Secretary determines that such individual liability is not necessary to assure performance of such obligations.

"SEC. 508. Nothing in this Act shall be construed as limiting the authority of the Attorney General, pursuant to the general immigration laws, to permit the importation of aliens of any nationality for agricultural employment as defined in section 507, or to permit any such alien who entered the United States legally to remain for the purpose of engaging in such agricultural employment under such conditions and for such time as he, the Attorney General, shall specify.

"Sec. 509. No workers will be made available under this title for employment after December 31, 1953."

And the House agree to the same.

HAROLD D. COOLEY,
W. R. POAGE,
GEORGE GRANT,
CLIFFORD R. HOPE,
AUG. H. ANDRESEN,

Managers on the Part of the House.

ALLEN J. ELLENDER,
CLYDE R. HOEY,
SPESSARD L. HOLLAND,
GEORGE D. AIKEN,
MILTON R. YOUNG,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 984) to amend the Agricultural Act of 1949, submit the following statement in explanation of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment to the bill struck out all after the enacting clause and inserted in lieu thereof the text of the House bill (H. R. 3283), which had been adopted by the House as reported by the Committee on Agriculture.

The bill as agreed upon by the committee of conference and recommended in the accompanying report is a substitute in lieu of the amendment made by the House to the Senate bill. In the main it adopts most of the provisions of the Senate bill with the exception of section 509, which has been eliminated from the substitute agreed upon by the committee of conference.

GENERAL STATEMENT

The purpose of this bill is to authorize and implement an agreement with Mexico under which Mexican agricultural workers may be available when needed, and when such workers are not available from the domestic labor force, to assist in growing, harvesting, and preparing for consumption crops grown in the United States. It is a bill which is of great interest and benefit to the consumer, as well as to the farmer engaged in the production of these crops, for with the exception of cotton and sugar beets almost all of the crops on which it is expected such labor may be needed are crops such as fruits and vegetables which move directly to the consumer. If there is insufficient labor to tend or harvest these crops, causing even a temporary shortage or disruption of their movement to market, this is a situation which is certain to be felt immediately by consumers in the form of diminished supplies of such fruits and vegetables and higher prices for those which are on the market. It is essential to the stabilization of our economy that these agricultural commodities be brought to market in sufficient volume to maintain stability of supplies and prices.

Differences between the House bill and the bill agreed upon by the committee of conference and recommended in the accompanying report are explained below:

SECTION 501

The only change in this section is in subsection (1) where the committee of conference has adopted the Senate language requiring that workers eligible for employment under this bill shall be in the United States under legal entry and has added a provision which will permit

also the hiring of any Mexican national who has resided in the United States for the previous 5 years. This will prevent the hiring of so-called "wetbacks" under the contracts authorized by this bill but will permit those Mexicans who actually have lived for many years in the United States, even though their entry might not have conformed to legal requirements, to obtain agricultural work. The committee of conference believes that this provision is necessary in essential justice to the many Mexicans who, because of the closeness of Mexico and the United States and the traditional freedom of movement across the border, may have entered the United States without complying with immigration formalities, but who have been for many years continuous and useful residents in the United States. It should be remembered that even though such Mexicans may meet the requirements of this provision and be acceptable to their American employers, they still cannot be contracted without the consent of the Mexican Government.

SECTION 502

In subsection (2) the amount "\$10" is changed to "\$15".

SECTION 503

Two changes are made in this section:

(1) The committee of conference has accepted the Senate requirement that the determination as to the availability of domestic workers for agricultural purposes shall be made by the Secretary of Labor, instead of by the regional director, Bureau of Employment Security, United States Department of Labor, for the area involved, as provided in the House bill. This appears to the committee of conference to be a relatively minor change, since the regional director works under and by delegation of authority from the Secretary of Labor and it is assumed by the committee of conference that, inasmuch as time is frequently of the essence in the hiring of agricultural labor and harvesting of agricultural crops, the Secretary of Labor will delegate to the regional director the authority to make these determinations where the time element is important and where reference to the Secretary himself would entail any measurable delay.

(2) The committee of conference also accepted the provision of the Senate bill requiring that the Secretary of Labor must certify before foreign labor may be utilized under the terms of this bill that reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

SECTION 504

Two changes are made by the committee of conference in this section:

(1) On page 4, line 12 of the House bill after the word "in" the words "for not less than the preceding 5 years or" have been added. This is the same change made in section 501 (1) and was discussed under the amendments to that section.

(2) The conference has accepted the proviso to this section contained in the Senate bill which provides that no workers shall be made

available under the terms of this bill nor permitted to remain in the employ of any employer who is using "wetback" labor.

SECTION 508

In this section the committee of conference has accepted the House language of subsection (1). This permits the employment of workers made available under the bill in various types of processing plants which are intimately related to and connected with the production of agricultural commodities and which perform functions which must be carried out before those commodities can be made available for use or consumption. Virtually all of these processing plants are located actually out in the country or in small cities and towns which are entirely rural in character. They are affected by the same labor conditions which apply to the farms, orchards, and other agricultural operations in the area. In those few instances where processing plants of this type are located in larger cities—where there might be presumed to be some supply of domestic labor available—they will be necessarily removed from agricultural areas and environments to such an extent that the required certification by the Secretary of Labor that domestic labor is not available will in most instances amount to a certification for each individual plant.

In subsection (2) of section 508 the committee of conference has adopted the Senate language which requires that associations who act as employers under the terms of this bill shall be acceptable for that purpose only if the individual members thereof are bound by the obligations made by the association or if the Secretary determines that such individual liability is not necessary.

DOUGLAS AMENDMENT

The committee of conference has eliminated from the bill section 509 of the Senate bill. It has done this on the grounds that this general revision of the immigration laws is not germane to the purpose of this bill, which is that of providing statutory authority for the use of Mexican workers under a contractual relationship between the United States and Mexico and with the workers themselves. The committee of conference is sympathetic to the objectives of eliminating the abuses which have stemmed from the employment of "wetback" labor. It believes that the bill reported herewith will go far in correcting that situation and that any general revision of the immigration laws which may be necessary to further improve this situation should be made by the committees of the respective Houses having a jurisdiction over that subject matter. The committee recognizes as a matter of general knowledge that such legislation is now pending in the Senate and that the appropriate committee of the House has undertaken hearings and investigations for the purpose of bringing out such legislation in the House if it is found to be necessary.

The committee believes that this bill will, in fact, do much to help solve this vexing problem. It will provide an open door through which those Mexicans who want to work in the United States can enter and be employed here legally under terms which will safeguard their rights and their interests in the manner far better than they could

ever be safeguarded under any form of illegal entry and employment. It forbids any employer who has "wetback" labor in his employment from obtaining assistance under the terms of this legislation. It thus makes it distinctively to the advantage of both the employer and the Mexican worker to operate on an entirely legal basis under the provisions of this bill.

HAROLD D. COOLEY,
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Managers on the Part of the House.

